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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,200	02/13/2002	Max Hamberg	4208-4079 (Nokia 16550)	5295
27123	7590	12/14/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P.			PHU, SANH D	
3 WORLD FINANCIAL CENTER			ART UNIT	
NEW YORK, NY 10281-2101			PAPER NUMBER	
			2682	
DATE MAILED: 12/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/073,200	HAMBERG, MAX	
	Examiner	Art Unit	
	Sanh D. Phu	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,16-25,35-42,51-54,59-61,63-73,75,77,79-93 and 95-103 is/are pending in the application.
- 4a) Of the above claim(s) 2,14,15,26-34,43-50,55-58,62,74,76,78 and 104-133 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13,66-73,75,82-89 and 95-103 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,16-20,22-25,52,61,63,64,77,79,80 and 90-93 is/are rejected.
- 7) ☒ Claim(s) 5,21,35-42,51,53,54,59,60,65 and 81 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 9/29/05.

Claims 1, 3-13, 16-25, 35-42, 51-54, 59-61, 63--73, 75, 77, 79-93, 95-103 are currently pending. Claim 94 is canceled. Claims 2, 14, 15, 26-34, 43-50, 55-58, 62, 74, 76, 78, 104-133 are withdrawn from consideration.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 16-20, 22-25, 52, 61, 63, 64, 77, 79, 80 and 90-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mansikkaniemi et al (2002/0065881), previously cited, in view of Kinnunen et al (2001/0021649), newly-cited.

-Regarding to claim 1, see figures 1-5, and sections [0007-0008], [0022-0026], [0042-0050], Mansikkaniemi et al discloses a system comprising:

a server (28) (see figure 1) programmed to store electronic tag data (92) constructs in association with a virtual wall data "Family Bulletin Board" (see figure 4) construct stored in the server (see section [0042]);

a short-range wireless access point (22, 24) (see figure 1) connected to the server, the access point located at a place; and

a mobile short-range wireless device (20) (see figure 1) programmed to enable its user to create an electronic tag data (92) (see figure 4) constructed containing an identity of the user (e.g., /Peter) and associated with a multimedia message (including time information, text, pictures), the device programmed to send the electronic tag over a short-range wireless link to the access point (22) (see figure 1) for association with the virtual wall data construct in the server to enable viewing the electronic tag by other users with short-range wireless viewing devices (see section [0007–0008]).

Mansikkaniemi et al does not disclose that the multimedia message includes at least one of an audio data and a digital image file incorporated into the electronic tag data construct.

Kinnumen et al teaches that a multimedia message (see figure 4) can be implemented to include at least one of an audio data (see (16) of figure 4) and a digital image file (see (17) of figure 4, and [0021]).

It would have been obvious for a person skilled in the art to implement Mansikkaniemi et al in such a way that the multimedia message can include at least one of an audio data and a digital image file incorporated into the electronic tag data construct, as taught by Kinnumen et al, so that with such the implementation, the multimedia message will be enhanced with the addition of the at least one of an audio data and a digital image file to be received by the other users.

—Regarding to claim 3, Mansikkaniemi et al discloses an editing program in the user's short-range wireless device to enable the user to write text, create an audio record or an image record and append it to the text, to create a multimedia message as the content of an electronic tag (see sections [0046–0049]).

–Regarding to claim 4, Mansikkaniemi et al discloses said editing program incorporating the multimedia message into the electronic tag (92) (see figure 4).

–Regarding to claims 16–19, Mansikkaniemi et al discloses that said short-range wireless devices (22, 20a, 20b, 20c) are implemented as wireless devices (see figure 1).

–Regarding to claim 20, Mansikkaniemi et al discloses that said multimedia message can be created or modified off line and then stored in the user's mobile device (see section [0039, 0049]).

–Regarding to claim 22, Mansikkaniemi et al discloses that said editing program including the user's identity (e.g., /Peter) in the tag (92) or colors used to indicate who sends the tag (see section [0047]).

–Regarding to claim 23, Mansikkaniemi et al discloses that said server is connected to a access point located at a frequent gathering place, (e.g., a vendor place (33) (see figure 1, and section [0032])).

–Regarding to claim 24, said mobile device is programmed to enable the user to create tags that contain multimedia messages (92) that are notes, and the like (see figure 4).

–Regarding to claim 25, Mansikkaniemi et al discloses that said multimedia messages may be previously prepared or spontaneously create (see sections [0039, 0049]).

–Regarding to claim 52, Mansikkaniemi et al discloses that said mobile device automatically transfers a tag to the server when they are within communications range (see section {0007, 0022–0026}).

–Regarding to claim 61, see figures 1–5, and sections [0007–0008], [0022–0026], [0042–0050], Mansikkaniemi et al discloses a method comprising:

step (28) (see figure 1) of storing electronic tag data constructs in association with a virtual wall data construct stored in a server (28) connected to a short-range wireless access point (22, 24) located at a place;

step (28) of receiving an electronic tag data construct containing an identity of the user (e.g., /peter) (see figure 4) and associated with a multimedia

message (92) (see figure 4) from a mobile short-range wireless device programmed to enable its user to create the electronic tag (see section [0042, 0049]); and

step (28) of associating the received electronic tag data construct with the virtual wall data construct in the server to enable viewing the electronic tag by other users with short-range wireless viewing devices (see figure 4 and section [0042–0048]).

Mansikkaniemi et al does not disclose that the multimedia message includes at least one of an audio data and a digital image file incorporated into the electronic tag data construct.

Kinnumen et al teaches that a multimedia message (see figure 4) can be implemented to include at least one of an audio data (see (16) of figure 4) and a digital image file (see (17) of figure 4, and [0021]).

It would have been obvious for a person skilled in the art to implement Mansikkaniemi et al in such a way that the multimedia message can include at least one of an audio data and a digital image file incorporated into the electronic tag data construct, as taught by Kinnumen et al, so that with such

the implementation, the multimedia message will be enhanced with the addition of the at least one of an audio data and a digital image file to be received by the other users.

-Claim 63 is rejected with similar reasons set forth for claim 3.

-Claim 64 is rejected with similar reasons set forth for claim 4.

-Regarding to claim 77, see figures 1-5, and sections [0007-0008], [0022-0026], [0042-0050], Mansikkaniemi et al discloses a system (see figure 2) comprising:

processor (78); and

a memory (inherently included) coupled to the processor (see figure 5), programmed to enable creating an electronic tag data (92) (see figure 4) construct containing an identity (e.g., /peter) of a user and associated with a multimedia message (date, time, texts, pictures), the memory further programmed to send the electronic tag over a short-range wireless link to an access point (22, 24) (see figure 1) for association with a virtual wall data (Family Bulletin Board) constructed in a server (28) (see figure 11) to enable

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viewing the electronic tag by other users with short-range wireless viewing devices.

Mansikkaniemi et al does not disclose that the multimedia message includes at least one of an audio data and a digital image file incorporated into the electronic tag data construct.

Kinnumen et al teaches that a multimedia message (see figure 4) can be implemented to include at least one of an audio data (see (16) of figure 4) and a digital image file (see (17) of figure 4, and [0021]).

It would have been obvious for a person skilled in the art to implement Mansikkaniemi et al in such a way that the multimedia message can include at least one of an audio data and a digital image file incorporated into the electronic tag data construct, as taught by Kinnumen et al, so that with such the implementation, the multimedia message will be enhanced with the addition of the at least one of an audio data and a digital image file to be received by the other users.

-Claim 79 is rejected with similar reasons set forth for claim 3.

-Claim 80 is rejected with similar reasons set forth for claim 4.

-Claims 90-93 are rejected with similar reasons set forth for claims 16-19.

Allowable Subject Matter

4. Claims 5, 21, 35-42, 51, 53, 54, 59, 60, 65, 81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 6-13, 66-73, 75, 82-89, 95-103 are allowed.

Response to Arguments

6. Applicant's arguments filed on 9/29/05 have been fully considered but they are not, in part, persuasive.

-Claims 5-13, 21, 35-40-42, 51, 53, 54, 59, 60, 65-73, 75, 81-89 and 95-103 are indicated allowable as set forth above.

-Applicant's arguments with respect to claims 1, 3, 4, 16-20, 22-25, 52, 61, 63, 64, 77, 79, 80 and 90-93 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on 8:00-16:30.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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